

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TODD GARDNER,

Plaintiff,

v.

NATIONAL CREDIT SYSTEMS, INC.,

Defendant.

Case No. 1:24-cv-482

HON. JANE M. BECKERING

MEMORANDUM OPINION AND ORDER

On May 8, 2024, Plaintiff, proceeding *pro se*, initiated this action pursuant to “15 U.S. Code Subchapter III” (Credit Reporting Agencies, 15 U.S.C. §§ 1681 *et seq.*) and “Subchapter V” (Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §§ 1692 *et seq.*) (ECF No. 1 at PageID.3). On May 10, 2024, the Magistrate Judge issued a Report and Recommendation (R&R, ECF No. 6), recommending that the action be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim. The matter is presently before the Court on Plaintiff’s Objections to the Report and Recommendation (ECF No. 7).

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. In his determination that Plaintiff failed to state a claim on which relief may be granted, the Magistrate Judge reasoned that Plaintiff does not identify “any facts to support a legal claim” against Defendant (R&R, ECF No. 6 at PageID.17). Plaintiff’s Objections indicate that he “disputed the debt with the credit reporting agencies, yet Defendant continued to report the debt as valid without conducting a reasonable investigation,” and Defendant engaged in multiple

violations of the FDCPA (ECF No. 7 at PageID.20). These Objections do not identify any error in the Magistrate Judge's analysis or conclusion, which was that Plaintiff failed to identify in his complaint a specific statutory violation or any facts to support a legal claim against Defendant, and that purely conclusory allegations are insufficient under *Ashcroft v. Iqbal*, 556 U.S. 662, 668 (2009). The additional facts provided in Plaintiff's Objections are mere conclusory statements that restate the legal elements of the claims. Accordingly, the Objections are denied, and the Report and Recommendation is approved and adopted as the Opinion of the Court.

A Judgment will also be entered consistent with this Memorandum Opinion and Order. *See* FED. R. CIV. P. 58. Because this action was filed *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211–12 (2007). Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 7) are DENIED, and the Report and Recommendation of the Magistrate Judge (ECF No. 6) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (ECF No. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: June 20, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge